Region 6

REGION 6 MULTI-STATE

- **Clean Power Plan:** The governors of New Mexico and Oklahoma signed a group letter with 13 other governors in opposition to the proposed rule; Louisiana and Oklahoma joined a group of 12 states suing over the proposed rule.

ARKANSAS (Director Becky Keogh)

- **Georgia Pacific Crossett facility, Crossett, AR:** Crossett, Arkansas, has a population of about 5,500 residents and is located in southeastern Arkansas just nine miles north of the state's border with Louisiana. Residents from one of Crossett's predominantly African-American neighborhoods have complained for many years about air emissions and water discharges from the Georgia-Pacific LLC paper facility (GP). The facility complex includes a paper mill, plywood mill (currently inactive), and two chemical plants. EPA's National Enforcement Investigation Center (NEIC) is conducting a multimedia investigation, including sampling, for a two week period (February 2-13, 2015) at the Georgia Pacific Crossett facility(ies).

LOUISIANA (Secretary Peggy Hatch)

- **Churchill Downs Louisiana Horseracing Company, L.L.C. (Churchill Downs):** Churchill Downs maintains and stables about 1900 horses and is defined as a large CAFO. Churchill Downs is significantly contributing to nutrient and bacteria pollution in Lake Pontchartrain. EPA approved TMDLs for Fecal Coliform bacteria on 3/28/12 for Lake Pontchartrain basin, including the drainage canals. During a 6/19/14, meeting with EPA, Sewerage and Water Board of New Orleans (SWBNO) expressed concern about the impact of Churchill Downs on water quality in Lake Pontchartrain basin. SWBNO indicated that Churchill Downs needs to identify and isolate the sources of the bacteria contamination, and consider treatment options. SWBNO also said it would not support Churchill Downs' permit variance request. *On 9/9/2014, EPA issued a* Cease and Desist Order (*AO) requesting information about Churchill Down's ongoing sampling activities/studies to identify and isolate sources of bacterial contamination at its facility*. Churchill Downs must comply with EPA's AO by designing and implementing a wastewater and storm water management plan that is consistent with its CAFO permit requirements and the federal CAFO regulations. Community concerns related to this case include drainage and ponding issues after heavy rainfall events. Also, there are potential EJ concerns for the communities adjacent to this facility. The next meeting between EPA and Churchill Downs is scheduled on 02/11/15.

NEW MEXICO (Secretary Ryan Flynn)

- **Chevron Questa Mine Superfund Site:** The mine closure on June 2, 2014, triggers regulatory obligations for Chevron Mining Inc. under State law, and it is critical to identify the path forward for implementing CMI's regulatory obligations under both CERCLA and New Mexico laws and regulations. EPA will continue negotiations with Chevron Mining Inc. and Chevron Environmental

Management Company for continued mine cleanup work; continue early remedy design work under the September 25, 2012, Administrative Order on Consent and the two subsequent AOC amendments; and, continue removal action cleanup of Eagle Rock Lake.

- **Homestake Mining Company Site, Cibola County, NM:** The Homestake Mining Company (Homestake) Uranium Mill NPL site (Site) is located 5.5 miles north of Milan, NM. It consists of a large tailings pile (LTP) that covers 200 acres in area and is approximately 100 feet high and contains 21 million tons of uranium mill tailings. The Site also contains a small tailing pile (STP) covering 40 acres and containing 1.2 million tons of tailing. Tailing seepage has contaminated the ground water at the Site. EPA placed the Site on the NPL in 1983. In light of the efforts by NMED and the NRC to remediate ground water at that time, EPA elected not to conduct response actions for the ground water. EPA issued a No Action Record of Decision (ROD) in 1989 for off-Site Radon. Although Radon levels were elevated, EPA believed that they represented background levels that could not be attributed to the Site at that time. The community believes cleanup is too slow, and they are upset with decision by NMED, NRC and EPA to allow the aquifers to background levels they think are too high. The community requests EPA remove LTP away (as was done at DOE site in Moab, UT) because of air and ground water impacts. EPA is listening and working with community through periodic calls/meetings with BVDA/MASE members to discuss Site activities and community concerns; EPA is providing Technical Assistance for Community Services (TASC) to BVDA; EPA continuing to ensure safety of human health by taking removal action at the site; and, EPA monitoring site activities and reviewing actions to ensure compliance with NCP. The next meeting is planned for March 5, 2015.
- **NM Abandoned Uranium Mines - Tronox Settlement:** Tronox was created in 2003 as a spinout of Kerr McGee and was saddled with massive environmental and legal liabilities. Tronox filed bankruptcy and filed a fraudulent conveyance suit against Kerr McGee and its successor, Anadarko. The U.S. Department of Justice finalized a $5.2 billion settlement with Kerr McGee and Anadarko on January 23, 2015. EPA will receive approximately $985 million of the settlement to address legacy human health and environmental impacts at uranium mine sites in NM and on the Navajo Nation. EPA will receive approximately $985 million to fund the cleanup of approximately 49 abandoned uranium mines in NM and on the Navajo Nation. Of the 49 mines, 22 mines in NM were identified in the Tronox Settlement. EPA Regions 6 and 9, along with the Navajo Nation EPA and New Mexico Environmental Department and New Mexico Energy, Minerals and Natural Resources Department met on January 22 and 23, 2015, and identified project activities and goals for 2015 at the abandoned uranium mines. NM projects include environmental assessments of select mines and continuing activities targeted at assessing the mining impacts to groundwater.
- **Uranium Removal Activities in New Mexico:** EPA has been conducting residential assessments near the former uranium mines in NM. EPA also has been conducting assessments in San Mateo, Bluewater, near the Homestake Uranium Mill in Milan, Bibo, Seboyeta, and Moquino. Lastly, EPA has also conducted surveys and residential removal actions on Laguna Pueblo and Acoma Pueblo. EPA personnel have been conducting residential assessments since December 2009 in Cibola and McKinley Counties New Mexico in the Grants Mineral Belt. EPA conducted 917 residential assessments, and cleaned up 151 properties.
- **Kirtland Air Force Base (KAFB), Albuquerque – Bulk Fuels Facility Fuel Spill:** In 1999, a long-term release of millions of gallons of jet fuel and aviation gasoline (avgas) was discovered in underground pipelines at the Bulk Fuels Facility at KAFB. Ethylene dibromide (EDB) is a component of avgas. Fuels have percolated 500 feet down to the drinking water aquifer and remain a continuing source of groundwater contamination. The dissolved phase EDB plume is flowing towards several Albuquerque Bernalillo County Water Utility Authority drinking water supply wells. RCRA Corrective

Action is under KAFB's hazardous waste permit. The NMED is the lead regulatory agency. On December 19, 2014, NMED issued a draft Strategic Plan for the fuel spill for public comment. The Strategic Plan identifies five "critical goals" and describes how NMED and KAFB plan to meet these goals in 2015 and beyond. The comment period ended January 30. Sentinel and monitoring well construction is underway and scheduled for completion in 2015. KAFB proposed a phased pump and treat interim measure to "collapse" the EDB plume back to the base boundary. EPA anticipates one extraction well operating by June 2015, three additional extraction wells operating by September 2015 and, up to four additional wells on-line by August 2016 (~800 GPM total). EPA Region 6 is providing numerical groundwater flow and mass transport modeling assistance to NMED, at their request. The EPA is coordinating with the Air Force, USGS, NMED and others on continued model development.

OKLAHOMA (Executive Director Scott Thompson and Secretary of Energy and Environment Mike Teague)

- **Drought in OK:** Over the last four years, extreme drought stricken Oklahoma communities battle depleting drinking water sources. In response to the current loss of community source-water, the Oklahoma Department of Environmental Quality (ODEQ) is working to develop an array of drought response actions supporting these systems. Water resources in western Oklahoma are stretched thin, primarily due to a lack of water availability due to the drought and water loss from aging infrastructure. The water loss audit program will look at between 15-30 water systems by conducting a water loss audit, determine causes of water loss, and assist in creating a capital improvement plan to reduce water loss. A working group was formed with members from the DEQ, various municipalities, technical experts from engineering firms, and members of the public to develop water reuse regulations for the State. ODEQ is currently piloting a Water Loss Audit program funded by the Source Water Protection set-aside from the DWSRF grant.
- **Induced Seismicity:** Over the last several years, there have been abrupt increases in earthquakes in some oil and gas production areas. These areas include Arkansas, Oklahoma, and Texas, as well as other oil and gas producing states. Of particular note is a dramatic increase in both the numbers of earthquakes in Oklahoma, and their magnitudes. To address this problem, EPA developed the EPA-State Underground Injection Control (UIC) National Technical Workgroup (NTW) report, *Minimizing and Managing Potential Impacts of Injection-Induced Seismicity from Class II Disposal Wells: Practical Approaches*. This report was developed cooperatively with state members of the workgroup to protect underground sources of drinking water. The induced seismicity report will be a valuable tool for UIC program managers addressing induced seismicity. Seismic events due to underground injection are rare, occurring in less than one percent of disposal wells. The final report will be released this month (February 2015). The Oklahoma Corporation Commission has rules in place to require oil and gas producers to cease the injection of wastes into geologic formations (referred to as shut-in) if evidence suggests the disposal is triggering seismic activity. OCC exercised this authority on February 3, 2015, when it required a shut-in in Alfalfa County.
- **Hydraulic fracturing protective practices forum with NGA:** The Administrator's announcement of a protective practices forum (March 5-6) cosponsored with NGA came out of discussions with several states including OK's Deputy Secretary for Energy and the Environment, Craig Sundstrom, who had worked with NGA. The forum will showcase measures and approaches currently undertaken or for which research has shown could be implemented and lead to superior performance in the field. For the last 6 to 8 months, EPA has held discussions with OK, PA, CO, ND on how to raise performance

(beyond regulatory compliance) by companies engaged in hydraulic fracturing (unconventional oil & gas exploration and production). NGA has an existing mechanism to highlight creative and successful approaches to better state governance. The upcoming forum builds on that mechanism. The forum will focus are these potential incidences of environmental impact from hydraulic fracturing: Availability of Fresh Water and Drinking Water Resources; Potential for Subsurface Chemical Contamination; Surface Contamination with Hydraulic Fracturing Chemicals and Hydraulic Fracturing Fluid; Surface Contamination with UOG Wastewater; Surface Contamination with Chemicals and Other Materials Stored Onsite; and Surface Contamination from Onsite Storage of Drill Cuttings and Other Solids. A follow-up forum with investors, insurance companies, production companies, and regulators focused on verification of best practices is slated for later in Spring 2015 (May?).

- **Tar Creek Superfund Site, Ottawa County:** Significant progress continues to be made at Tar Creek. In tandem with the efforts of ODEQ and the County Health Department and the remediation of over 2 thousand residential properties, the blood lead level of children is below the National average. The voluntary buyout of the towns of Picher, Cardin, and Hockerville have greatly reduced the chances of exposure. With the threat of exposure greatly reduced, the remedy addressing mine and mill waste can be performed over a longer period. Region 6 negotiated a $2.6 million cooperative agreement with the Quapaw Tribe Environmental Office to conduct the remediation of a 40 acre parcel of tribal land known as the 'Catholic 40' within the Tar Creek Superfund Site. This is the first time that a Tribe is carrying out a Superfund Remedial Action in the U.S. EPA is also working with EPA-HQs' Optimization Team and the stakeholders involved with OU4 to prioritize contaminated areas in flood zones, near waterways, and in riparian areas.
- **OK disagrees with EPA's position on RCRA Land Disposal Restrictions "put piles**": The RCRA permit for Oklahoma's largest land disposal facility, Clean Harbors Lone Mountain, states that the facility must comply with the land disposal restriction regulations which prohibit land disposal until waste meets treatment standards, however, the Waste Analysis Plan, an attachment to the permit, states that treated waste will be placed within the boundaries of the land disposal unit until testing confirms that the waste meets treatment standards, and will be re-treated if it does not. The Oklahoma Department of Environmental Quality's 6/6/14 response to EPA's memo opposes EPA's position, claiming put piles placed within the boundaries of a permitted land disposal unit are economical and environmentally safe. State Senate bill 482 introduced in the 2015 session would allow for the temporary placement – put piles, which could potentially lead to program authorization issues.

TEXAS (Commissioner Bryan Shaw)

- **Drought in TX:** Over the last four years, extreme drought-stricken Texas communities battle depleting drinking water sources. Texas areas especially challenged include the panhandle, the lower Rio Grande river valley, and west Texas. In response to the current loss of community source-water, the TCEQ has a full time drought mitigation team that have an array of drought response actions supporting these systems. Direct potable reuse (DPR) has become a Texas extreme drought solution, predominantly in the southwest, that is increasingly accepted. DPR is the process of treating wastewater to drinkable standards and returning it to the raw water supply without the use of an environmental buffer. Currently, there are four on-going DPR projects in Texas.
- **San Jacinto River Waste Pits Superfund Site, Harris County, TX:** The Site includes of a set of impoundments built in the mid-1960s for disposal of paper mill pulp wastes containing dioxin. In 2008 the Site was added to the National Priorities List (NPL) and in 2009 EPA issued a Unilateral

Administrative Order to International Paper Company and McGinnes Industrial Maintenance Corporation, the Potentially Responsible Parties for the Site, to conduct a Remedial Investigation and Feasibility Study. A Superfund time-critical removal action was completed in July of 2011 to place an armor rock cap to prevent the further release of dioxins into the environment. Completion of the Site investigation and assessment of cleanup alternatives is expected this summer. The Record of Decision, which selects the Site remedy, will follow in the fall of 2015. The community believes that the contaminated material should be removed from the San Jacinto River. The EPA co-leads a Site Community Advisory Committee, including the Texas Commission on Environmental Quality, Harris County, the Port of Houston, Houston Galveston Area Council, the Galveston Bay Foundation, and the Potentially Responsible Parties.

- **South Cavalcade Superfund Site:** The South Cavalcade Street Superfund Site (Site) is located approximately three miles north of downtown Houston, Texas. Koppers Company, Inc., now known as Beazer, operated a wood treating facility and a coal tar distillation plant from the 1940s to 1960s. These operations resulted in the Site soils and ground water being contaminated. Two areas of contaminated soil along the southeastern boundary and in the southwestern portion of the Site, capped in July 2000 as part of the remedial action for the soil, are currently being used for truck parking. The southern area of the Site is currently occupied by trucking firms, with much of the ground surface covered by pavement, buildings, or storage areas. The northern area of the site was purchased by a commercial entity in March 2014. The ground water, extracted and treated for 10 years, did not prove effective. Hence, EPA amended the ground water remedy for the Site in September 2014. Thirty ground water monitoring wells were installed in December 2014-January 2015 onsite and offsite in the residential areas in accordance with the amended remedy. Harris County Toll Road Authority is in the process of expanding the street adjacent to the Site on the south side and has plans to expand the toll road immediately west of the Site. The community has been very active and has raised concerns about past exposure and drinking water at the Site. Currently, there is no exposure from the contaminated soil at the Site because it is capped under concrete. The drinking water for the residents is supplied by the City of Houston and the source of this water is the Trinity River.

- **Texas Regional Haze:** On 12/16/14, EPA proposed an action that includes the control of sulfur dioxide (SO_2) at 15 coal fired power plant units, located at 8 facilities in Texas. These units, located mainly in East Texas, emit thousands of tons of SO_2 (and other visibility impairing pollutants) that are transported over hundreds of kilometers into Oklahoma and other states. This action is projected to reduce the emission of SO_2 into Texas skies by approximately 230,000 tons of SO_2 per year, through the installation of SO_2 scrubbers, in order to improve visibility at National Parks and Wilderness areas located in Texas and Oklahoma**.** The original 60 day (30 day minimum) public comment period was extended another 60 days to 4/20/15. EPA is under a consent decree to finalize its decision by 9/4/15. EPA previously finalized an Oklahoma regional haze FIP on 12/28/11 to control 6 coal fired units in Oklahoma.

- **The Dallas-Fort Worth Area and Ozone Standard:** As a result of a Consent Decree (CD) negotiated last year with the Sierra Club, we are proposing to reclassify the DFW area to Severe under the 1997 ozone standard because the area did not meet the June 15, 2013, attainment date. Pursuant to the CD, the final rule to reclassify the DFW area must be signed no later than 180 days after the proposed rule is published in the Federal Register, unless the 1997 ozone standard is revoked before that time. If the 1997 ozone standard is revoked before the 180-day period ends, the rule to reclassify the DFW area as Severe under the 1997 ozone standard will not be finalized. The rule to revoke the 1997 ozone standard was released by OMB on January 30, 2015, thus should be finalized

soon, and therefore, we do not expect to have to finalize the action to reclassify the DFW area. Texas has proposed a plan for meeting the 2008 ozone standard, which is due July 2015.

- **Exide Technologies, Frisco, TX:** In May 2012, TCEQ's revised State Implementation Plan (SIP) for the Frisco lead non-attainment area thrust the City of Frisco into the limelight and heightened community and media attention on the environmental concerns at the Exide Technologies battery recycling plant. The plant subsequently closed and the company filed for bankruptcy. Numerous multi-media concerns have been identified by EPA and TCEQ inspections since 2009, including metal contamination in soil and sediment both on and off-site. EPA, DOJ, TCEQ, Texas AG office, and the City of Frisco are working together to reach an agreement with Exide to address the environmental concerns at the site.
- **Corpus Christi Sanitary Sewer Overflows (SSOs):** Corpus Christi is a medium-sized city with a population of 305,215. The City's Wastewater Treatment Department manages and services approximately 92 wastewater lift stations and 6 wastewater treatment facilities. Corpus Christ has had over 4,000 SSO's in a 5 year period and had numerous effluent violations, mostly for pathogens, over the past several years. Region 6 referred the case to DOJ in August 2011. Negotiations with Corpus Christi, with a focus on proposed injunctive-relief provisions to resolve numerous SSO and effluent violations, are ongoing. Recent information from Corpus on the possibility of consolidating 5 of their 6 Wastewater Treatment Plants has temporarily slowed down the negotiations, as this information affects injunctive relief provisions.
- **City of Houston's violations due to Exceedances of Permit Limits and Sewer System Overflows (SSOs):** EPA and the State of Texas attempted to address the issues by administrative actions requiring the City to correct the violations. The City of Houston continued to violate significantly. In 2010, EPA referred the case to the DOJ for civil/judicial action. To date, EPA/DOJ are still in negotiations with the City to require it to address the violations.